

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Spanish Broadcasting System Holding)	File No. EB-06-IH-2171
Company, Inc.)	FRN: 0019998392
)	NAL/Acct. No. 201132080022
Licensee of Station WZNT(FM), San Juan)	Facility ID No. 74552
Puerto Rico)	

FORFEITURE ORDER

Adopted: August 22, 2012**Released: August 22, 2012**

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of twenty-five thousand dollars (\$25,000) against Spanish Broadcasting System Holding Company, Inc. (SBSHCI or Licensee), licensee of Station WZNT(FM), San Juan, Puerto Rico (Station), and a subsidiary of Spanish Broadcasting Systems, Inc. (SBS), for willfully and repeatedly violating Section 73.1206 of the Commission's rules¹ by recording two telephone conversations for broadcast without providing prior notification to the called parties.

II. BACKGROUND

2. As discussed in more detail in the Notice of Apparent Liability for Forfeiture (*NAL*) issued in this case,² the Enforcement Bureau (Bureau) received a complaint (Complaint) alleging that, on April 13, 2006, Station WZNT employees made two "prank" calls during a comedy segment called "You Fell for It," which was hosted by a radio personality known as "Moonshadow."³ According to the Complaint, during the first call, Moonshadow and another of the Station WZNT morning personalities made the call and pretended to be an intruder hiding under the call recipient's bed; and that the call recipient, upon learning that the call was meant to be a joke, became upset.⁴ In the second call, Moonshadow pretended to be a loan shark, attempting to collect on a debt.⁵

¹ 47 C.F.R. § 73.1206.

² *Spanish Broadcast System Holding Company, Inc.*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 1828 (Enf. Bur. 2011) (*NAL*). A comprehensive recitation of the facts and history of this case can be found in the *NAL* and is incorporated herein by reference.

³ Complaint to the Federal Communications Commission (April 14, 2006) (Complaint).

⁴ *NAL*, 26 FCC Rcd at 1828, para. 2.

⁵ *Id.*

3. On October 28, 2010, the Bureau issued a letter of inquiry (LOI) to the Licensee regarding the issues raised in the Complaint.⁶ In response, the Licensee stated that it did not retain recordings or transcripts of its programming, and that it could not confirm or deny whether the segments aired on the Station.⁷ However, the Licensee acknowledged that, in 2006, it regularly aired a program called “El Vacilón de la Mañana,” which included the segment, “You Fell for It,” during which listeners called in and requested that prank telephone calls be made to family members or friends.⁸ The Licensee also noted that “the segment was popular with listeners.”⁹ It further confirmed that the program originated at Station WSKQ-FM, a station located in New York City and owned by a licensee whose parent company is also SBS. The Licensee noted that the show was hosted by Luis Jimenez and Raymond Broussard—the latter known as Moonshadow,¹⁰ and that the program was simulcast on its co-owned Stations WZMT(FM) and WZET(FM).¹¹

4. In view of the record evidence in this case, including SBSHCI’s admissions, the Bureau issued the *NAL*, proposing a twenty-five thousand dollar (\$25,000) forfeiture.¹² In its response, SBSHCI contends that the *NAL* should be canceled because the Bureau had insufficient evidentiary support to conclude, based on the preponderance of the evidence, that the Licensee violated the telephone broadcast rule.¹³ In addition, the Licensee contends that the Bureau misapplied the forfeiture guidelines in deciding the appropriate forfeiture amount and, therefore, the forfeiture amount should be reduced if its request for cancellation is denied.¹⁴

III. DISCUSSION

5. The proposed forfeiture amount in this case was assessed in accordance with Section 503(b) of the Communications Act of 1934, as amended (Act), Section 1.80 of the Commission’s rules,¹⁵

⁶ Letter from Kenneth M. Scheibel, Jr., Assistant Chief, Investigations and Hearings Division, FCC Enforcement Bureau, to WZNT, Inc. (Oct. 28, 2010) (on file in EB-06-IH-2171). The license for Station WZNT was assigned from WZNT, Inc. to Spanish Broadcasting System Holding Company, Inc., on October 13, 2009 (FCC File No. BALH-20090923ABJ). Both companies’ ultimate common corporate parent is Spanish Broadcasting System, Inc.

⁷ Letter from Dennis P. Corbett and Nancy A. Ory, counsel for Spanish Broadcasting System Holding Company, Inc., to Guy N. Benson, Attorney Advisor, Investigations and Hearings Division, FCC Enforcement Bureau at 2-3 (Dec. 2, 2010) (on file in EB-06-IH-2171) (LOI Response).

⁸ *Id.*

⁹ *Id.* at 3.

¹⁰ *Id.* at 2.

¹¹ *Id.* at 4.

¹² See *NAL*, *supra* note 2.

¹³ See *Spanish Broadcasting System Holding Company, Inc., Response to Notice of Apparent Liability for Forfeiture* at 3–6 (June 27, 2012) (on file in EB-06-IH-2171) (*NAL* Response). To facilitate settlement discussions in this and other cases involving SBS-owned licensees, the Bureau and SBS entered into an agreement on March 3, 2011, to toll the statute of limitations period specified in Section 2462 of Title 28 of the United States Code, 28 U.S.C. § 2462, and the deadline for SBSHCI to pay the proposed forfeiture or file a response to the *NAL* in this case. Further tolling agreements were executed by both parties until settlement discussions ended on July 17, 2012.

¹⁴ See *NAL* Response at 6-9.

¹⁵ 47 C.F.R. § 1.80.

and the Commission's forfeiture guidelines set forth in its *Forfeiture Policy Statement*.¹⁶ In assessing forfeitures, Section 503(b) of the Act requires that we take into account the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.¹⁷ We have examined SBSHCI's response in light of these statutory factors, and find that neither cancellation nor reduction of the forfeiture is warranted for the reasons discussed below.

A. The Record Evidence is Sufficient to Conclude that SBSHCI Violated the Telephone Broadcast Rule

6. We affirm our finding in the *NAL* that the Licensee, SBSHCI, willfully and repeatedly violated Section 73.1206 of the rules. Section 73.1206 of the Commission's rules, also referred to herein as the "telephone broadcast rule," requires that, *before* broadcasting or recording a telephone conversation for later broadcast, a licensee must inform any party to the call of its intention to broadcast the conversation, except where such party is aware, or may be presumed to be aware from the circumstances of the conversation, that it is being or likely will be broadcast.¹⁸ Section 73.1206 reflects the Commission's longstanding policy that prior notification is essential to protect individuals' legitimate expectation of privacy and to preserve their dignity by avoiding nonconsensual broadcasts of their conversations.¹⁹ As determined in the *NAL*, the Licensee violated the rule by airing two conversations—consisting of prank calls to unsuspecting individuals as part of its regular comedy segment called "You Fell for It"—without providing the required notice to the call recipients.²⁰ The Licensee did not provide any evidence to dispute the detailed account of the prank calls in the Complaint. The Licensee, however, acknowledged that it could not deny that the Station might have broadcast the calls,²¹ and admitted that it ran a regular program called "You Fell for It" during the period of time identified in the Complaint.²² Significantly, the program segment at issue was found to be similar to those identified in other complaints against other SBS-owned stations (such as Station WSKQ-FM) that have since been found to be in violation of the telephone broadcast rule.²³ Given these and other facts, the Bureau found, based on the preponderance of the evidence, that the Licensee violated Section 73.1206.²⁴

7. In its response, SBSHCI contends that the *NAL* should be canceled because the Bureau's evidence was insufficient and, therefore, the preponderance of the evidence actually weighs in its favor.²⁵

¹⁶ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recons. denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*).

¹⁷ 47 U.S.C. § 503(b)(2)(E).

¹⁸ 47 C.F.R. § 73.1206. The Commission will presume such awareness only when "the other party to the call is associated with the station (such as an employee or part-time reporter), or where the other party originates the call and it is obvious that it is in connection with a program in which the station customarily broadcasts telephone conversations." *Id.*

¹⁹ See *NAL*, 26 FCC Rcd at 1830 (citing authorities).

²⁰ *Id.* at 1828–31.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 1830, para. 7.

²⁴ *Id.* at 1829–32.

²⁵ See *NAL* Response at 3–6.

In support of its contention, the Licensee submits the following points about the record: (i) the Complaint was deficient because it did not come from an actual recipient of the prank calls, and because it did not specifically allege a violation of the telephone broadcast rule; (ii) there was no recording of the program complained about; and (iii) the Bureau did not rule out the possibility that the prank calls may not have been real, but instead part of a “theatrical” presentation by station actors who pretended to be callers and call recipients during the on-air pranks.²⁶ We address below each of these points in turn.

1. The Complaint Was Sufficient to Initiate an Investigation

8. We find no merit in SBSHCI’s suggestion that because someone other than the recipient of the complained-of calls filed the complaint, the Bureau should refrain from taking action in this instance. We have previously considered third party complaints in other cases concerning Section 73.1206, and find no reason to depart from that practice.²⁷ Further, SBSHCI fails to cite any Commission precedent or policy that contravenes our enforcement approach. We also find no merit in SBSHCI’s assertion that the Complaint provides an insufficient basis upon which to proceed because the complainant did not specifically allege that the Station violated Section 73.1206.²⁸ Again, SBSHCI fails to cite any authority that would constrain the Bureau from taking enforcement action whenever a complainant fails to articulate a particular rule violation. We find nothing in the rulemaking promulgating the rule, or in the language of the rule itself, that requires complainants to plead with legal precision.²⁹ Moreover, the Act gives the Commission, and the Bureau by delegation,³⁰ broad authority to investigate the entities that it regulates; and, in this instance, there was sufficient information in the Complaint to warrant an investigation concerning the Station’s potential violation of Section 73.1206.³¹

²⁶ See *id.*

²⁷ See *Citicasters Licenses, L.P.*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 1633 (Enf. Bur. 2007). (station found to have violated the telephone broadcast rule where a third party, not the call recipient, complained that the host of Station WFLZ-FM’s morning show telephoned actress Nicollette Sheridan and broadcast the conversation without notifying Ms. Sheridan that the call was being broadcast live). See also *WXDJ Licensing*, 19 FCC Rcd at 22447; *Tempe Radio, Inc.*, Notice of Apparent Liability for Forfeiture, 18 FCC Rcd 20102 (Enf. Bur. 2003) (forfeiture paid).

²⁸ See NAL Response at 4.

²⁹ See *Amendment of Section 73.1206: Broadcast of Telephone Conversations*, Notice of Proposed Rule Making, 50 FR 7931 (February 26, 1985); *Amendment of Section 73.1206: Broadcast of Telephone Conversations*, Report and Order, 3 FCC Rcd 5461 (1988) (*Telephone Broadcast R&O*); see also 47 C.F.R. § 73.1206. The current telephone broadcast rule evolved from a preexisting rule that prohibited the recording of telephone conversations for broadcast. See *Report of the Commission in Docket No. 6787 (Use of Recording Devices in Connection with Telephone Service)*, 11 FCC 1033 (1947). When the live broadcast of telephone conversations became technically and legally possible, the Commission recognized the potential for harassment and abuse and adopted the current rule. See *Telephone Broadcast R&O*, 3 FCC Rcd at 5463–64, paras. 20, 24.

³⁰ See 47 U.S.C. §§ 154(i), 154(j), 403; 47 C.F.R. §§ 0.111, 0.311. As Section 403 of the Act makes clear, the Commission may institute an investigation on its own motion. 47 U.S.C. § 403 (“The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made . . .”). See also *Cox Communications, Inc.*, Notice of Apparent Liability, 24 FCC Rcd 911, 913, para. 7, n.22 (Enf. Bur. 2009).

³¹ See, e.g., *Allcom*, Notice of Apparent Liability for Forfeiture and Order, 25 FCC Rcd 9124, 9126 (Enf. Bur. 2010).

2. A Recording of the Broadcast Complained About is Not Required to Establish a Rule Violation

9. SBSHCI also argues that the lack of any recording makes it difficult to establish whether the Station actually broadcast the complained-of programming.³² Although a copy of the recording of a program would be useful (and licensees are certainly expected to provide existing recordings if requested), the Commission has never required complainants to provide broadcast recordings or transcripts as a condition precedent to an investigation of a potential violation of the telephone broadcast rule, or held that the existence of such evidence is necessary for finding a violation.³³ Indeed, the Bureau has found licensees in violation of the telephone broadcast rule even when the licensee was unable to produce a tape or transcript of the broadcast at issue by relying on other evidence in the record.³⁴ Here, the fact there is no countervailing evidence to directly dispute the detailed and specific information about the prank calls; the Licensee's acknowledgment that the Station regularly aired the "You Fell for It" program during the period of time that the complained-of program aired; the Licensee's further acknowledgment that the "You Fell for It" program generally included listeners calling in to request prank phone calls; the fact that the Complaint was filed almost immediately after the complained-of program aired, which reflects a more reliable recollection of the program; and the fact that the originator of the program is another SBS station (*i.e.*, Station WSKQ-FM, New York, New York) that has violated the rule multiple times, and in the same fashion (*i.e.*, by airing prank calls), are sufficient to establish that the complained-of program, and the particular prank calls described therein, was broadcast by the Station.

10. We also reject SBSHCI's suggestion that a violation cannot be established because none of its existing employees, who were employed at the Station at the time the complained-of program aired, have any recollection of any facts relevant to this case.³⁵ Although the Licensee cannot confirm or deny the allegations in the Complaint, the Commission has consistently ruled that a licensee may not avoid liability for a rule violation by claiming ignorance as to what was broadcast over its station.³⁶ In addition, as already noted, the availability of other record information sufficiently convinces us that the Station conducted the prank calls, recorded the calls without prior notification to the call recipients, and broadcast the calls.

3. The Record Is Sufficient to Show that the Station Conducted Actual Prank Calls as Opposed to Scripted Programming

11. SBSHCI also argues that the *NAL* erred by failing to take notice that the complained-of broadcast may have been an instance of radio theater in which the telephone call participants were actors

³² *Id.*

³³ See, e.g., *ProActive Communications, Inc.*, Notice of Apparent Liability, 23 FCC Rcd 9079 (Enf. Bur. 2008) (forfeiture paid) (finding licensee in violation of the telephone broadcast rule notwithstanding the unavailability of a tape or transcript of the broadcast at issue); *Emmis Radio License Corporation*, Memorandum Opinion and Order, 19 FCC Rcd 6452 (2004) (station found in violation of indecency rule despite there not being any tape or transcript of programming material).

³⁴ *Id.*

³⁵ The Licensee, in its LOI Response (at 3), noted that it produced more than 1,100 such programs since April 13, 2006. This fact does not serve to exculpate the Licensee from liability, but only convinces us about the egregiousness and repeated nature of the violations, given that the premise behind the program is to prank call unsuspecting individuals for entertainment value.

³⁶ *ProActive Communications*, 23 FCC Rcd at 9082, para. 7. *Accord Infinity Broadcasting Corp. of Los Angeles (KROQ-FM)*, Memorandum Opinion and Order, 17 FCC Rcd 9893, 9896, para. 18 (2002).

rather than unsuspecting members of the public.³⁷ SBSHCI submits, as an example, a Bureau investigation of a May 6, 2008 program that was broadcast by one of its commonly-owned stations that was later found to be a pre-arranged skit involving paid actors.³⁸ SBSHCI also cites a recent news account reporting on the growing prevalence of such programs.³⁹

12. We find this argument—which SBSHCI never raised in its LOI Response—unpersuasive.⁴⁰ As part of its LOI Response, SBSHCI submitted declarations from three existing SBS employees who participated on the program in 2006. None of these employees (including Raymond Broussard who was known as Moonshadow) averred that the program segment at issue included actors playing call recipients in the prank calls; nor do the declarations aver that the “You Fell for It” segments of the program included pre-arranged skits at any time.⁴¹ We cannot provide any weight to the Licensee’s reference to a 2008 program segment that was based on a pre-arranged skit because it is not contemporaneous with the Licensee’s programs and practices in 2006, and it concerned a different station.⁴² Even if we accorded the information some weight, it still would be insufficient to counter the other evidence in the record that supports a violation. We further find the referenced news article about some licensees’ radio programs irrelevant to our decision in this case. The article mentions nothing about the 2006 programs aired by the Licensee or its parent company, SBS.

B. The Bureau Properly Assessed the Forfeiture Amount

13. Next, we turn to SBSHCI’s contention that the Bureau misapplied the forfeiture guidelines in deciding the appropriate forfeiture amount to impose.⁴³ In this regard, SBSHCI contends that the Bureau was incorrect in its decision to upwardly adjust the forfeiture based on the fact that the program was multicast over Stations WZMT(FM) and WZET(FM). SBSHCI argues that, instead, the Bureau should have taken into consideration the “unusual position” of the stations in the Puerto Rico radio market.⁴⁴ SBSHCI explains that due to the substantial Cordillera Central mountain range dividing the island, a broadcaster must operate multiple stations to reach the entire radio market with a single format, and that the Bureau should therefore deem any rule violations involving such multiple stations to be singular in nature.⁴⁵ We decline to accept SBSHCI’s suggested enforcement approach. SBSHCI cites no authority supporting this proposition, and we decline to adopt such a standard in this case.⁴⁶ In fact, in

³⁷ NAL Response at 5.

³⁸ *Id.*

³⁹ *See id.*, Exhibit A.

⁴⁰ We also find these arguments disingenuous, since these were arguments were never raised in the Licensee’s LOI Response and, as noted herein, SBSHCI provides no direct evidence in support of its purely speculative suggestion that such radio theater was “a possibility” in this instance.

⁴¹ *See* LOI Response, Declaration of Raymond Broussard, Declaration of Gerpis Correa-El Shino, Declaration of Francis Mendez.

⁴² *See* NAL Response at 3, 5.

⁴³ *Id.* at 6–9.

⁴⁴ *Id.* at 7.

⁴⁵ *See id.*

⁴⁶ SBSHCI’s general reference to *Mr. Luis A. Soto, President, Arso Radio Corporation*, Letter, 22 FCC Rcd 2549 (Med. Bur., Audio Div. 2007), is inapposite. In that case, the Media Bureau granted a waiver of the Commission’s ownership rules, concluding that the unique circumstances of that case justified using a radio market definition based upon the modified contour-overlap methodology, rather than relying on the Arbitron-designated Metro. (continued....)

another case involving a violation of the telephone broadcast rule in Puerto Rico, we found that an increase in the base forfeiture amount was warranted specifically because the conversation was aired over multiple stations in the radio market.⁴⁷ We further note that, consistent with Section 503(b) of the Act and Section 1.80 of the Commission's rules, the fact that the broadcast was aired on multiple stations was only one of many factors considered in assessing the forfeiture amount.⁴⁸ As discussed in the *NAL*, we also reviewed "the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of, any history of prior offenses, ability to pay, and such other matters as justice may require."⁴⁹ Indeed, consideration of the egregiousness of the violations (consisting of two prank calls to two different individuals) in this case, coupled with SBS's ability to pay and its history of repeated noncompliance with the telephone broadcast rule, would have been sufficient to warrant the imposition of a \$25,000 forfeiture.

14. SBSHCI further asserts that the *NAL*'s statement⁵⁰ that SBSHCI's parent company, SBS, "earns substantial income, reporting \$139,389,000 in net revenue for 2009" is imprecise.⁵¹ SBSHCI clarifies that, although it may have reported that figure as its net revenue, the company actually incurred a substantial operating loss in the amount of \$13,778,000.⁵² We find this clarification inconsequential to our determination about the appropriate forfeiture to impose in this case. Contrary to SBSHCI's assertion, the *NAL* did not specifically determine that SBS was "profitable."⁵³ Instead, the *NAL*, noting that SBS is a large company with substantial revenue, determined that, in accordance with Section 503(b) of the Act, Section 1.80 of the Commission's rules, and the *Forfeiture Policy Statement*, ability to pay, among other factors, warranted an increase to the base forfeiture amount.⁵⁴ In addition, SBS fails to point to any precedent requiring the Commission to consider net income, rather than revenues, in determining the size of forfeiture amounts. In fact, the Commission has previously determined that, in general, gross revenues are the best indicator of a licensee's ability to pay a forfeiture.⁵⁵

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SBSHCI, however, fails to cite any authority demonstrating the relevance or appropriateness of using such methodology for determining monetary forfeitures.

⁴⁷ *El Mundo Broadcasting Corporation*, Notice of Apparent Liability, 15 FCC Rcd 20377, 20380, para. 10 (Enf. Bur. 2000).

⁴⁸ 47 C.F.R. § 1.80; *NAL*, 26 FCC Rcd at 1831, para. 8.

⁴⁹ *NAL*, 26 FCC Rcd at 1831, para. 8.

⁵⁰ *See id.* at 1831, n.38.

⁵¹ *See NAL Response* at 8.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *NAL*, 26 FCC Rcd at 1831, para. 8, n.38 (the *NAL* noted that, in 2009, SBS reported nearly 140 million dollars in net revenues to the SEC).

⁵⁵ *See PJB Communications of Virginia, Inc.*, Forfeiture Order, 7 FCC Rcd 2088, 2089, para. 8 (1992) (forfeiture not deemed excessive where it represented approximately 2.02 percent of the violator's gross revenues); *Local Long Distance, Inc.*, Forfeiture Order, 15 FCC Rcd 24385 (2000) (forfeiture not deemed excessive where it represented approximately 7.9 percent of the violator's gross revenues); *Hoosier Broadcasting Corporation*, Forfeiture Order, 15 FCC Rcd 8640 (2002) (forfeiture not deemed excessive where it represented approximately 7.6 percent of the violator's gross revenues). We note that while we usually rely on gross revenues as the best yardstick for assessing a Licensee's ability to pay, our use of net revenues in this instance does not impact our assessment because gross revenues are normally larger than net revenues.

15. If SBSHCI, however, is attempting to make an inability to pay claim, we deny the request because it has not presented the necessary financial information (such as federal tax returns for the most recent three-year period or financial statements prepared according to generally accepted accounting practices or some other reliable and objective documentation that accurately reflects its current financial status) to allow us to consider such a claim.⁵⁶ Given the foregoing, we find no basis to justify a reduction of the proposed forfeiture in the *NAL*.

16. We have reviewed the record in this case, the statutory factors, the *Forfeiture Policy Statement*, and SBSHCI's arguments in response to the *NAL*. As a result of our review, we conclude that SBSHCI willfully and repeatedly violated Section 73.1206 of the Commission's rules. We hereby affirm the *NAL* and impose a forfeiture in the amount of twenty-five thousand dollars (\$25,000).

IV. ORDERING CLAUSES

17. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended,⁵⁷ Section 1.80 of the Commission's rules,⁵⁸ and authority delegated by Sections 0.111, 0.204, and 0.311 of the Commission's rules,⁵⁹ Spanish Broadcasting System Holding Company, Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of twenty-five thousand dollars (\$25,000) for repeated and willful violations of Section 73.1206 of the Commission's rules.⁶⁰

18. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules by close of business on or before August 29, 2012.⁶¹ If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.⁶² Spanish Broadcasting System Holding Company, Inc. shall send electronic notification of payment to Guy Benson at Guy.Benson@fcc.gov, Kenneth M. Scheibel, Jr. at Kenneth.Scheibel@fcc.gov, and Jeffrey J. Gee at Jeffrey.Gee@fcc.gov on the date said payment is made.

19. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the *NAL*/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.⁶³ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO

⁵⁶ *NAL*, 26 FCC Red at 1833 (listing the specific documents required to support a claim of inability to pay).

⁵⁷ 47 U.S.C. § 503(b).

⁵⁸ 47 C.F.R. § 1.80(f)(4).

⁵⁹ 47 C.F.R. §§ 0.111, 0.204, 0.311.

⁶⁰ 47 C.F.R. § 73.1206.

⁶¹ 47 C.F.R. § 1.80.

⁶² 47 U.S.C. § 504(a).

⁶³ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

20. Any request for full payment under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.⁶⁴ If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

21. **IT IS FURTHER ORDERED**, that a copy of this **FORFEITURE ORDER** shall be sent by both First Class Mail and Certified Mail, Return Receipt Requested, to the Licensee at its address of record, and to its counsel Dennis P. Corbett and Nancy A. Ory, Lerman Senter PLLC, 2000 K Street, NW, Suite 600, Washington, D.C. 20006.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison
Chief
Enforcement Bureau

⁶⁴ 47 C.F.R. § 1.1914.